

UNITED STATES DISTRICT COURT

Southern

District of

New York

SOMPO JAPAN INSURANCE COMPANY  
OF AMERICA,

SUMMONS IN A CIVIL ACTION

V.

NORFOLK SOUTHERN RAILWAY COMPANY,  
NORFOLK SOUTHERN CORPORATION,  
and THE KANSAS CITY SOUTHERN  
RAILWAY COMPANY

CASE NUMBER **07 CV 10498**

TO: (Name and address of Defendant)

Norfolk Southern Railway Co.  
CT Corporation System  
111 Eighth Avenue  
New York, NY 10011

The Kansas City Southern  
Railway Co.  
120 South Central Avenue  
Clayton, MO 63105

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Maloof Browne & Eagan LLC  
411 Theodore Fremd Avenue, Suite 190  
Rye, NY 10580  
Tel: (914) 921-1200

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

CLERK

(By)  DEPUTY CLERK

NOV 21 2007

DATE

DAVID T. MALOOF (DM 3350)  
THOMAS M. EAGAN (TE 1713)  
MALOOF BROWNE & EAGAN LLC  
411 Theodore Fremd Avenue, Suite 190  
Rye, New York 10580-1411  
(914) 921-1200  
*Attorneys for Plaintiff*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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NIPPONKOA INSURANCE COMPANY :  
LIMITED, : **07 Civ. 10498**

*Plaintiff,*

- against -

NORFOLK SOUTHERN RAILWAY : **AFFIDAVIT OF SERVICE**  
COMPANY and THE KANSAS CITY :  
SOUTHERN RAILWAY COMPANY, :

*Defendants.*

-----X


STATE OF NEW YORK )  
 :ss.:  
COUNTY OF WESTCHESTER )

Thomas M. Eagan, being duly sworn, deposes and says:

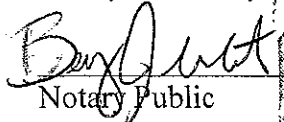
1. On November 27, 2007, I served the Summons and Complaint on defendants Norfolk Southern Railway Company and The Kansas City Southern Railway Company by emailing (agreed method of service) a true copy of each to their authorized agent for service:

Charles L. Howard  
Keenan Cohen & Howard, P.C.  
One Pitcairn Place  
Suite 2400  
165 Township Line Road  
Jenkintown, PA 19046  
Email: [choward@freightlaw.net](mailto:choward@freightlaw.net)

Dated: Rye, New York  
January 4, 2008

  
Thomas M. Eagan

Sworn to before me this  
4<sup>th</sup> day of January, 2008

  
Notary Public

BENJAMIN J. MOLLET  
Notary Public, State of New York  
No. 01MQ6172574  
Qualified in Westchester County  
Commission Expires April 13, 2011

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